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TO: COMMISSIONER OF PATENTS
P.O.Box 1450
Alexandria VA, 22313-1450

ATTENTION EXAMINER ANDRÉ J. ALLEN

Fax No.: 703-872-9306

RE:

Appl. No.: 10/673,599
Filing Date: 09/29/2003
Applicant: Alan Alexander Burns
Date: October 17, 2005

: Atty Dkt No.: 2654.02 Div
: Examiner : André J. Allen
: Art Unit: 2855
: Paper No.:

Title: **MAGNETIC LIQUID CRYSTAL DISPLAY**

Dear Examiner Allen:

Transmitted herewith a **CORRECTED RESPONSE TO OFFICE ACTION** globally correcting a global typographic error transposing numbers in Application Serial numbers of the Parent Related U.S Patent Application appearing in the Response to Office Action mailed October 2, 2005 received by the PTO on October 12, 2005.

Please substitute this **CORRECTED RESPONSE TO OFFICE ACTION** in place and stead of the prior Response to Office Action.

Very Truly Yours,



David E. Newhouse, Esq.

DEN: den

Enc.

tc Alan A. Burns

OCT 17 2005

UNITED STATES PATENT OFFICE

AMENDMENT TO UTILITY PATENT APPLICATION

Appl. No.: 10/673,599 : Atty Dkt No.: 2654.02 Div
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5 Title: MAGNETIC LIQUID CRYSTAL DISPLAY

CORRECTED RESPONSE TO OFFICE ACTION

Commissioner of Patents
P.O. Box 1450
Alexandria VA 22313-1450

10 Dear Commissioner:

Responding to the communication from Examiner André J. Allen mailed 07 September 2005, the Applicant notes and greatly appreciates the indication that dependant Claims 12 - 17¹ would be allowable claims if rewritten as independent claims incorporating the limitations of base claim 1 and intervening dependant claim 7.

15 PRELIMINARY REMARKS:Rejections pursuant 35 U.S.C. §102:

Applicant notes that Examiner Allen has misapplied 35 USC § 102 citing U.S. Patent No. 4,581,579 *Nagatsuma et al*, entitled 'OPTICAL MAGNETIC FIELD MEASURING APPARATUS HAVING IMPROVED TEMPERATURE CHARACTERISTICS' as anticipating subject matter, rejecting Applicant's original claims 1-8.

20 For anticipation under 35 U.S.C. 102, each and every limitation expressed in a claim must be found, either expressly or inherently, in a single prior art reference *Celeritas Techs. Ltd. v. Rockwell Int'l Corp.*, 150 F.3d 1354, 1361 (Fed. Cir. 1998) [See also *IN RE CRISH*, 04-1075 Disc. Section (Fed. Cir. Dec. 2004) *Glaxo Inc. v. Novopharm Ltd.*, C.A.Fed. (N.C.) 1995, 52 F.3d 1043, 34 U.S.P.Q.2d 1565, rehearing denied, in banc suggestion declined, certiorari denied 116 S.Ct. 516.

25 Anticipation of invention occurs only when some single prior article, patent, or publication contains within its four corners every element of a claim in question; patentability is not anticipated when its elements are distributed among several prior publications or devices. *Paeco, Inc. v. Applied Moldings, Inc.*, C.A.3 (Pa.) 1977, 562 F.2d 870, 194 U.S.P.Q. 353.

¹ The Examiner indicates dependant Claim 11 is rejected in the Office Action Summary